

David  
Powers/R10/USEPA/US  
01/18/2012 11:28 AM

To: CRAIG M PATTERSON  
cc  
bcc: Chad Schulze  
Subject: Re: Regarding chemical trespass in Traingle Lake, Oregon

Craig - Scott Downey and Chad Schulze are EPA leads for herbicide/pesticide use so I forwarded your questions on records to them. I also sent your questions to Kevin Masterson who deals with chemical issues for OR DEQ.

I think there was a chemical use reporting bill being considered by the OR Legislature a few years ago that established (or would have established) specific chemical use reporting requirements and record keeping/database requirements. I seem to remember something about State funding issues derailing that effort.

I understand your concerns about record keeping and distribution. While some companies have raised proprietary chemical formulation issues in the past I would think that general information on what chemicals were applied, the method and volume of chemical application, and when and where were the chemicals applied would be available to the public. The people I forwarded your e-mail to would be more knowledgeable about chemical record keeping and release. Dave

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CRAIG M PATTERSON

Good Morning David Power, I want to ask...

01/13/2012 06:24:32 AM

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From: CRAIG M PATTERSON (b) (6)  
To: David Powers/R10/USEPA/US@EPA  
Date: 01/13/2012 06:24 AM  
Subject: Regarding chemical trespass in Traingle Lake, Oregon

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Good Morning David Power,

I want to ask you a question regarding keeping records in the EPA. Do you keep records internally or do you allow those you are regulating to keep their own records and count on them to provide when necessary? I just received a response from ODF that states, they don't keep records of those who apply chemicals, they count on the operator to keep those records? Talk about having the foxes guard the chickens and keep the records to boot. The whole agency of ODF is incompetent and needs to be shown the door. This is just too much. Here is the letter I received from ODF regarding my questions of the chemical trespass in Triangle lake. What insight can you share regarding this level of malfeasance from the perspective of a regulatory agency? Your perspective and thoughts will be greatly appreciated.

Many regards.

Craig Patterson

Thanks for your message regarding the ongoing Pesticide Analytical and Response Center (PARC) exposure investigation in the Hwy. 36/Triangle Lake area, and the general availability of Notification of Operation data and pesticide spray records.

The PARC agencies working together on the investigation include the Oregon Departments of Forestry (ODF), Agriculture (ODA) and Environmental Quality (DEQ), the Oregon Health Authority (OHA), Oregon Health & Science University (OHSU), Oregon State University (OSU), as well as the U.S. Environmental Protection Agency (EPA) and the U.S. Agency for Toxic Substances and Disease Registry (ATSDR).

As part of the investigation, PARC has asked ODF to obtain spray application records for eight townships (a township is generally about 36 square miles) in the Hwy. 36/Triangle Lake area for 2009, 2010, and 2011. This is an extensive amount of information, and ODF is working diligently to obtain it for the investigation. We expect to complete this information request in February.

Your inquiry also addresses an interest in having all pesticide spray notifications and spray records available on a public-access website. ODF also has an interest in implementing some form of web-based access to our Notification of Operation database to improve efficiency and effectiveness. We have made some gains toward that goal, including securing statutory changes that allow for this approach part of our subscription system.

At this point in time, we are in the planning and evaluation phase, and cannot provide a date for implementation of a web-based data access system, given current resources. A web-based system would only provide the information currently included on the notification, and would not address public access to application records, which are held by applicators and/or landowners.

ODF requests the application records only as needed for a specific investigation involving forest practices, pesticide label provisions, or assisting a PARC inquiry. Application records are not received or held by ODF or another public body; they remain in the possession of the applicator and/or landowner, where the records are not subject to Oregon public disclosure laws.

The Oregon Health Authority is the lead agency in the current exposure investigation, and any further questions you may have should be addressed directly to Karen Bishop at OHA. She can be reached at (971) 673-1219.

Sincerely,

Kevin Weeks